REMARKS

Claims 1-17, 20, 23-30 and 32-34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer in view of Van Dort, Silver and further in view of Matrix Vision. Applicants respectfully traverse the rejection.

Applicants respectfully submit that the rejection, based on four references, is constructed based on improper hindsight. The nature of the combinations, picking and choosing bits and pieces from each of the references makes the hindsight approach clear. It is error to reconstruct the patentee's claimed invention from the prior art by using the patentee's claim as a "blueprint." *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1138, 227 USPQ 543, 547 (Fed. Cir. 1985). Rather, "[w]hen prior art references require selective combination ... to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gleaned from the invention itself." *Interconnect Planning*, 774 F.2d at 1143, 227 USPQ at 551 (*citing ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, n.14, 221 USPQ 929, 933, n.14 (Fed. Cir. 1984)). *See also In re Fritch*, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992) ("It is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious....") (*citing In re Gorman*, 933 F.2d 982, 987, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991)); *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988) ("One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.").

Moreover, a proper obviousness rejection requires more than the "mere identification...of individual components of claimed limitations. Rather, particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed." *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). Moreover, "[e]very element of the claimed invention must be literally present, *arranged* as in the claim" and "[t]he *identical invention* must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added and internal cites omitted).

Meyer simply does not teach any plurality of vision processors (VPs). At best, it teaches a plurality of cameras 24 which are connected to "an image digitizer/frame grabber 22" which in a particular embodiment may be "a vision processor board" of a type made by the assignee of the present application. This is a single vision processor associated with, at

best, a single machine vision system, as pointed out in the Office Action. Thus, each camera is not "on a respective VP computing platform" but rather share a common computing platform. While it is not stated explicitly, the only possible enabling disclosure (particularly in view of the Examiner's correct statement that the disclosure's discussion of the "mass storage unit 32" is incapable of image processing) for a VP is the single instance of the digitizer in conjunction with the programmed "host computer" 28 (as shown in Fig. 2, but not described in the specification). Meyer's description of supporting "various vision processors and frame grabbers" at col. 2 clearly refers to "a variety" not "a plurality" as no example anywhere in Meyer includes more than one of either component nor to the possibility of such.

The Office Action seems to take the position that Meyer teaches VPs because allegedly Matrix Vision teaches cameras with integrated VP capability (see pp. 13-14). Applicants traverse this assertion on a number of grounds.

First, the teachings of Matrix Vision cannot be attributed to Meyer, and they may only be combined with Meyer if evidence can be presented that the combination is proper. Applicants submit that the combination is not proper. Nothing in either reference would suggest their combination, and the Office Action has provided no evidence in support of the asserted combination.

Second, to the extent that the Matrix Vision reference teaches anything, applicants submit that it is not enabling, and on its face indicates that it is a prospective document. For example, it states that a "compact digital image processing camera...will shortly be available," and that the "processing system will offer," a processing speed associated with PCs. The applications for this device that may offer image processing capability are not indicated to be developed, but rather, "[c]ustom applications can be developed." Thus, Matrix Vision offers no proof at all that it constitutes enabling prior art, but rather is simply a document describing a product that may or may not have existed more than one year prior to applicants' filing date. As such, it is not properly prior art and cannot be combined with Meyer in the asserted fashion.

Finally, "[e]very element of the claimed invention must be literally present, *arranged* as in the claim" and "[t]he *identical invention* must be shown in *as complete detail* as is contained in the ... claim." *Richardson*, at 1236, cited above. Even if Meyer and Matrix Vision were to be combined, they do not together teach "a plurality of [VPs], each VP being on a respective VP computing platform and a machine vision UI being on a machine vision UI computing platform," as recited in claim 1. There is no teaching in either reference of the details of a system having a plurality of VPs in combination with a machine vision UI

computing platform. Meyer at best teaches a single computing platform, host computer 28 for providing processing in accordance with controls programmed at a mass storage unit 32 and for providing display at a monitor, unnumbered in FIG. 2.

In addition to the fundamental failure of Meyer regarding multiple VPs, Meyer is missing a number of other recited elements of claim 1, as admitted in the Office Action. With respect to "a link function enabling a user to configure any second VP connected to the network using the at least one machine vision UI...and for establishing communication via the network between the any second VP ...and the at least one machine vision UI," the Office Action agrees that this function is missing. Van Dort is used as a secondary reference purporting to teach system control by a graphical interface. There does not appear to be any justification for the asserted combination other than a conclusory statement that Van Dort claims to provide flexible interactions between components in a system. There is no evidence, or even assertion, that such an advantage is missing from or desirable in Meyer. Moreover, there is no evidence of or assertion that Van Dort, directed to a home control network is analogous to the claimed machine vision system having a plurality of VPs. "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). *See also In re Deminski*, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986); *In re Clay*, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992) ("A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem."). Van Dort is without question outside the field of endeavor of the present invention. Moreover, there is no indication that Van Dort would have logically commended itself to the designer of machine vision systems. Finally, there is no indication that, in the case where Meyer is altered to include multiple VPs, that it would be further modified with Van Dort's equipment control system. The only way to arrive at this combination is to use applicant's claim as a blueprint, an approach prohibited as discussed above.

Each independent claim includes similar limitations to claim 1 and is patentable for at least the same reasons given above.

Because the asserted combination of references is improper, applicants respectfully request that the rejection under 35 USC §103 be withdrawn.

Respectfully submitted,

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